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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK R. BUNKER

Serial No.: 10/790,473

Filed: March 1, 2004

For: CUSTOM CALLING FEATURE DISABLE FOR
RESTRICTED CALLS

Group Art Unit: 2642

Examiner: Deane Jr., William J.

Attorney Docket No.: SBCK 0101 PUS (SW 1001)

**REPLY BRIEF UNDER 37 C.F.R. § 41.41
TO EXAMINER'S ANSWER**

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Sir:

This is a Reply Brief in reply to the Examiner's Answer mailed July 14, 2006 for the above-identified patent application. The Examiner's Answer was in response to the Applicant's Appeal Brief mailed March 23, 2006.

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The Applicant's Reply to (10) Response to Argument

As claimed, a custom calling ("CC") feature corresponding to a call from party A to party B is disabled upon determining that the call originated from party A. The determination of whether to disable the CC feature depends on where the call originated (i.e., party A) as opposed to party B. Consequently, the CC feature is disabled as a result of the call having originated from party A irrespective of whether party B is normally able or unable to invoke the CC feature. For example, if the CC feature is three-way calling, then a three-way call between parties A and B and third party C is prevented as a result of the call having originated from party A regardless of whether party B is normally able or unable to establish three-way calls with party C. Likewise, if the CC feature is call forwarding, then a call between parties A and B cannot be forwarded from party B to party C to establish the call between parties A and C as a result of the call having originated from party A regardless of whether party B is normally able or unable to forward calls to party C. In sum, a CC feature corresponding to a call from party A to party B is disabled as a result of the call having originated from party A. As such, factors related to party B are not relevant in determining whether to disable the CC feature because the CC feature will be disabled as a result of the call having originated from party A.

As described on pages 9-12 of the Appeal Brief, Gallant discloses a CC feature corresponding to a call from party A to party B being disabled based on profile information associated with party B. The determination of whether to disable the CC feature depends on party B as opposed to where the call originated. As such, the determination to disable the CC feature does not depend on the fact that the call originated from party A.

Disabling a CC feature corresponding to a call from party A to party B as a result of the call having originated from party A as claimed is different than disabling the CC feature as a result of party B profile information as disclosed by Gallant.

The Examiner responded to the above in the Response to Argument section of the Examiner's Answer. The Examiner posited that the argument of the disabling in Gallant being based on party B rather than on party A is not correct nor makes sense in light of the Applicant's specification and a fair reading of Gallant. For the reasons herein and in the Appeal Brief, the Applicant submits that the argument of the disabling in Gallant being based on party B rather than on party A is correct and makes sense in light of the Applicant's specification and a fair reading of Gallant.

In the Examiner's Answer, the Examiner cited paragraphs 0021, 0023, and 0025 of the Applicant's specification as published for the proposition that the Applicant teaches that the CC feature of party B is disabled. (For instance, paragraph 0021, "The present invention generally provides for disabling . . . at least one (and generally all) of the custom calling features on the destination number [party B] . . .") The Examiner posited that the same is true in Gallant.

As claimed, the CC feature corresponding to a call from party A to party B is disabled as a result of the call having originated from party A. For example, if the CC feature is call forwarding, then party B cannot forward the call to either of third parties C or D as a result of the call having originated from party A. The determination of whether the CC feature is disabled turns on where the call originated from (i.e., party A) and does not depend on whether party B is normally able to forward calls to either of third parties C or D. As such, the CC feature of party B is disabled as a result of the call having originated from party A.

As indicated above, the Examiner posited that the CC feature of party B is likewise disabled in Gallant. However, Gallant teaches that profile information associated with party B determines whether or not the CC feature (e.g., call forwarding) of party B is disabled. For instance, the party B profile information may indicate that party B is not allowed to forward calls to party C but is allowed to forward calls to party D. As such, the CC feature

of party B corresponding to a call from party A to party B is disabled if the CC feature is call forwarding from party B to party C, but is not disabled if the CC feature is call forwarding from party B to party D even though the call originated from party A. In contrast, as claimed, the CC feature of party B is disabled as a result of the call originating from party A regardless of whether the CC feature is call forwarding to party C or D. (See pages 9-12 of the Appeal Brief.)

As such, in Gallant, the CC feature of party B corresponding to a call from party A to party B is disabled as a result of party B profile information. Accordingly, whether the Applicant's specification and Gallant both teach the CC feature of party B being disabled does not render the claims anticipated by Gallant because the determination of disabling the party B CC feature turns on completely different things (i.e., where the call to party B originated from vs. party B profile information). More succinctly, the determination of disabling the CC feature of party B as claimed turns on party A whereas the determination of disabling the CC feature of party B in Gallant turns on party B and, as a result, whether both of the Applicant's specification and Gallant teach that the CC feature of party B is disabled is irrelevant.

The Examiner further posited "Obviously, the profile of party B in both the present application and Gallant are invoked." As indicated above, as claimed, any profile of party B is not a factor in deciding whether to disable the CC feature of a call originating from party A to party B. That is, the CC feature of a call originating from party A to party B is disabled as a result of the call having originated from party A regardless of any party B profile. As explained above, the Applicant agrees that Gallant invokes a profile of party B to determine whether to disable a CC feature of a call originating from party A to party B.

In support of the Examiner's position that the profile of party B in the present application is invoked, the Examiner posited that in the Applicant's application one would have

to know whether party B has a calling feature which can be blocked. The Examiner posited that such knowledge would be contained in a profile associated with party B. For support of this position, the Examiner indicated that “one cannot nor would not waste resources blocking a calling feature that one (party B) does not subscribe.” In response, as claimed, a CC feature of a call originating from party A to party B is disabled upon determining that the call originated from party A. Whether or not resources are wasted in the event that party B cannot invoke the CC feature to begin with is not relevant. Further, accessing a profile with party B to determine whether party B has the ability to invoke a CC feature for a call from party A to party B is a waste of resources when the CC feature is to be disabled as a result of the call originating from party A. As such, disabling a CC feature corresponding to a call from party A to party B as a result of the call originating from party A as claimed is economical and not a waste of resources regardless of whether party B has the ability to invoke the CC feature in the first place.

The Examiner further posited:

The user profile table 610 and the screening table 620 in Fig. 6 [of Gallant], make it clear that the disabling of party B’s custom calling features are based on the first caller, party A. If not based on party A, who? Party B? What sense would that make? (Page 4 of the Examiner’s Answer)

The Applicant submits that user profile table 610 and screening table 620 in Fig. 6 of Gallant are not at all clear for the proposition that Gallant teaches party B’s CC features as being based on party A, but are geared towards party B’s CC features as being based on party B. The Applicant has argued (see pages 9-12 of the Appeal Brief) that Gallant uses user profile table 610 and screening table 620 to disable party B’s CC features based on the party B information contained in these tables. As such, in response to the Examiner’s inquiry of which of party A or B that the disabling of party B’s CC features depends on, the Applicant submits that Gallant discloses that the disabling of party B’s CC features depends on party B.

The Applicant will now further summarize the Applicant's previous arguments as to why Gallant teaches that the disabling of party B's CC features depends on party B and answer the Examiner's inquiry of "What sense would that make?"

In the final Office Action mailed December 30, 2005, the Examiner noted paragraphs 0010-0012 and 0070-0077 of Gallant and indicated that this is the problem Gallant is intending to solve and Gallant solves this problem by using profile table 610 and screening table 620 of Gallant's Fig. 6. (Page 3 of the final Office Action.) As set forth in paragraphs 0009-0012 and FIGS. 3A and 3B of Gallant, Gallant discloses a situation in which party A is allowed to call party B; party B is allowed to call party C; but party A is not allowed to call party C (FIG. 3A). Gallant discloses that a problem arises when party B invokes a call forwarding feature to forward a call originating from party A to party C (FIG. 3B). The problem has occurred as a result of party B forwarding the call from party A to party C which circumvents the rule that party A is not allowed to call party C. As indicated above, the Examiner indicated that this is the problem that Gallant is trying to solve.

However, Gallant's solution is directed to party B which, in the example of FIG. 3B, circumvented the rule that party A is not allowed to call party C by forwarding the call from party A to party C. Paragraph 0009 of Gallant sheds light on the initial "situation depicted in FIG. 3A" (paragraph 0010). Paragraph 0009 of Gallant with bracketing indicating the Applicant's understanding of this paragraph:

[0009] In addition to regular outgoing calls that a user [party B] directly places, outgoing calls can also be initiated [by party B] as a side result of a feature invocation. For instance, call forwarding, call transfer, and other features, can result in an outgoing call indirectly [between parties A and C]. However, administrators may wish to apply different policies to these type of indirect calls, as opposed to direct calls. For instance, it might be ok to dial a Long Distance call [party C] directly from a business location for a particular user [party B]. But, it might not be acceptable for that same user [party B] to be able to forward calls [from any party including party A] to Long Distance

[party C], as this may lead to a fraudulent use of the phone from outside the business location.

Thus, paragraph 0009 of Gallant indicates that the source of the problem is party B forwarding a call to party C (see also, paragraph 0011, “a problem arises when Party B activates a call forwarding feature”). As such, the problem that Gallant is trying to solve is to prevent party B from forwarding a call to party C. The solution provided by Gallant prevents party B from forwarding a call from party A to party C while allowing party B to forward a call from party A to party D (with party D being a party which party A is allowed to call and which party B is allowed to forward calls to). Thus, Gallant’s solution is to selectively restrict the ability of party B to forward calls. Paragraph 0012 of Gallant indicates that, “**Without placing undue restrictions on Party B**, it is desirable to control the ability of Party A to cause calls to Party C, regardless of what routing features are invoked by Party B” (emphasis added). As discussed in pages 9-12 of the Appeal Brief, “without placing undue restrictions on Party B” means that party B is not to be restricted from calling party C and/or that party B is not to be restricted from forwarding calls from party A to party D.

Gallant’s solution is to associate profile information with party B in which the profile information indicates that party B is allowed to call party C but is not allowed to forward a call to party C. The Gallant Abstract and Summary generally describe this solution. The Gallant Abstract and Summary paragraphs 0013-0014 with bracketing indicating the Applicant’s understanding of this disclosure:

In the context of a communications system, means are disclosed for ensuring that invocation [by party B] of redirect features, such as call forwarding, do not circumvent call blocking settings [party B forwarding call from party A to party C]. User profile information associated with a party [party B] controls the invocation of features for the party [party B] and controls the screening of redirect contacts resulting from feature invocation. The behavior of feature-associated contact screening for the party [party B] is configurable independently of the originating calling permissions of the party [party B].

* * *

[0013] The need for separately controlling the handling of feature-generated contacts for a user [party B] independently of the outbound calling permissions of the user [party B] is addressed by the present invention. As is described in greater detail herein, feature-generated contacts may arise from processing of the destination user's profile [party B] in response to a session request or inbound call [from party A]. More often than not, a contact generated by a feature, such as a routing feature, will be different information than is known by, or provided by, the requesting party [party A].

[0014] In one aspect of the present invention, the screening control of-feature-associated contacts [of party B] is configurable apart from outbound calling permissions [of party B] in a comprehensive approach that may be uniformly applied across an entire system. The present invention also provides for this configurability on a per-user or per-profile basis.

Accordingly, Gallant associates profile information with a party in which the profile information selectively controls the ability of the party to invoke CC features such as call forwarding upon receiving a call from an originating party. For example, profile information is associated with party B in which the profile information indicates that party B is not allowed to forward a call from party A to party C but that party B is allowed to forward a call from party A to party D. Thus, the ability of party B to invoke the call forwarding feature is selectively blocked. This understanding is in accordance with the Examiner's indication in the Notice of Panel Decision from Pre-Appeal Brief Review "that Gallant teaches 'selective feature blocking' and teaches that features such as call forwarding and other redirect features may be blocked." As indicated, a "feature" is call forwarding and 'selective feature blocking' is when party B is selectively blocked from invoking call forwarding (i.e., party B is not allowed to invoke call forwarding to party C but is allowed to invoke call forwarding to party D meaning that the call forwarding is selectively blocked depending on where the call is to be forwarded). As described, Gallant provides this "'selective feature blocking'" by associating profile information with a destination party (i.e., party B). In contrast, as claimed, call forwarding associated with a call is disabled upon determining the call as originating from

party A regardless of who is the destination party or what call forwarding abilities are associated with the destination party.

Accordingly, in response to the Examiner's inquiry regarding "what sense would that make?" if the disabling of party B's CC features depended on party B, the Applicant respectfully submits that the sense this would make is that the CC feature (e.g., call forwarding) of party B is selectively blocked such that party B cannot call forward from party A to party C but can call forward from party A to party D. As a result, "undue restrictions" are not placed on party B's ability to call forward as party B is still able to call forward from party A to party D. As such, an answer to "what sense would that make?" is that party B is not unduly restricted from invoking the CC feature (e.g., call forwarding).

In the Examiner's Answer, the Examiner also noted paragraph 0058 of Gallant for teaching that the privileges of party A are verified and the system performs any calling features provisioned for party A and party B. Paragraph 0058 further describes that a proxy server relays a routing request from party A to party B to a location server for verifying the privileges of party A to reach party B and for performing any calling features provisioned for party A and party B. Paragraph 0058 further describes that generally the location server responds to the request with a list of terminals where party B may be contacted. Paragraph 0058 is part of Gallant's description of the "Find-Me" feature in which each of a plurality of party B's contacts are tried in turn to establish the call from party A to party B (see paragraphs 0052 - 0068 of Gallant). As such, the calling feature provisioned for party A is the ability of party A to attempt to reach the various ones of party B's contacts.

In view of the foregoing, it is not clear that Gallant discloses a CC feature disablement for restricted calls based on a first user through a look-up table as posited by the Examiner in the Examiner's Answer.

In view of the foregoing, the Applicant submits that the argument of the disabling in Gallant being based on party B rather than on party A is correct and makes sense in light of the Applicant's specification and a fair reading of Gallant. Further, in view of the foregoing, the Applicant submits that the Examiner's proposition that "The user profile table 610 and the screening table 620 in Fig. 6, make it clear that the disabling of party B's custom calling features are based on the first caller, party A" is not based on a fair reading of Gallant.

CONCLUSION

Accordingly, the Applicant respectfully requests that the Board rules that claims 1-24 are patentable under 35 U.S.C. § 103(a) over Gallant.

Respectfully submitted,

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